

**MINUTES
OF THE REGULAR MEETING OF THE
EDINA CITY COUNCIL
HELD AT CITY HALL
DECEMBER 1, 2009
7:06 P.M.**

ROLLCALL Answering rollcall were Members Bennett, Brindle, Housh, Swenson and Mayor Hovland.

CONSENT AGENDA ITEMS APPROVED Motion made by Member Bennett and seconded by Member Swenson approving the Council Consent Agenda with the exception of Item 3.A., Award of Bid, Greer Memorial Garden Development, Edina Art Center, and Item 4.G., Resolution No. 2009-104, in support at the U.N. Convention on climate change.

Rollcall:

Ayes: Bennett, Brindle, Housh, Swenson, Hovland

Motion carried.

DEBRA MANGEN AND JANE TIMM RECOGNIZED Mayor Hovland recognized City Clerk Deb Mangen for receiving the designation of Master Municipal Clerk and Deputy City Clerk Jane Timm for receiving the designation of Certified Municipal Clerk from the International Institute of Municipal Clerks. All responded with a round of applause.

RESOLUTION NO. 2009-106 ADOPTED – PROCLAIMING MINNESOTA CHEMICAL HEALTH MONTH, DECEMBER 2009 Mayor Hovland read in full the proclamation designating Chemical Health Month. **Member Brindle introduced and moved adoption of Resolution No. 2009-106, Minnesota Chemical Health Month December 1-31, 2009.** Member Bennett seconded the motion.

Ayes: Bennett, Brindle, Housh, Swenson, Hovland

Motion carried.

Kathy Iverson, Chemical Health Coordinator, encouraged all, young and old alike, to grow healthy and strong and to honor sobriety. She read the Chemical Health Partnership's mission statement and nine assets for raising children in a community and thanked the Council for its support of their partnership.

***MINUTES APPROVED – REGULAR MEETING OF NOVEMBER 17, 2009, AND WORK SESSION OF NOVEMBER 17, 2009** Motion made by Member Bennett and seconded by Member Swenson approving the minutes of the Regular Meeting of November 17, 2009, and Work Session of November 17, 2009.

Motion carried on rollcall vote – five ayes.

PUBLIC HEARING HELD ON 2010 OPERATING BUDGET & 2010 LEVY Affidavits of Notice presented and ordered placed on file.

A film produced by the League of Minnesota Cities was played that explained how property taxes were calculated and why taxes increase and decrease. Manager Hughes commented on the impact of levy limits and advised of 2010 budget adjustments. Slides identifying budget revenues were displayed, and Mr. Hughes advised that the proposed tax levy would increase 5.5%, of which 2.2% was in the general fund and the remaining 3.3% related to the debt service increase due primarily to the construction of the new Public Works facility. Mr. Hughes described other tax considerations and the additional tax capacity (5%) added through the decertification of two TIF districts. It was noted the overall tax bill went up by .7% and the City tax bill went down 1.7%. Mr. Hughes indicated that copies of budget information were available for citizens to review or the information could be viewed on the City's website.

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Mr. Hughes answered questions of the Council, indicating that 37% of Edina's homes would see a tax decrease, 57% would have an increase of less than 5%, and the remaining homes would have a higher increase.

Mayor Hovland opened the public hearing at 7:40 p.m.

Public Testimony

No one appeared to testify.

Member Housh made a motion, seconded by Member Swenson, to close the public hearing.

Ayes: Bennett, Brindle, Housh, Swenson, Hovland

Motion carried.

The Council recognized that 70% of the budget was payroll and indicated its appreciation for staff's dedication, noting staff would be participating in the majority of reductions since there would be no cost of living increase to salary. It was noted the 2010 budget and levy would be considered for adoption by the Council at its December 15, 2009, meeting.

AWARD OF BID – GREER MEMORIAL GARDEN DEVELOPMENT – EDINA ART CENTER

Park and Recreation Director Keprios advised that just over \$21,000 had been raised to develop a garden in honor and memory of Pat and Bill Greer. The Edina Art Center subcommittee believed it could raise additional funding but should that fall short, the contractor had indicated it would develop only what had been funded. Mr. Keprios stated the garden plan was available for review at the Art Center or City Hall. **Member Swenson made a motion, seconded by Member Bennett, awarding the bid for Greer Memorial garden development, Edina Art Center, to the recommended low bidder, 4 Quarters Design & Build at \$29,976.00 plus Watershed District and building permit fees.**

Ayes: Bennett, Brindle, Housh, Swenson, Hovland

Motion carried.

***AWARD OF BID – EDINA PROMENADE PHASE 3 – LANDSCAPE IMPROVEMENTS, ENG 10-1, IMPS NO. A-240** Motion made by Member Bennett and seconded by Member Swenson awarding the bid for Edina promenade phase 3, landscape improvements Contract No. ENG 10-1, Improvement No. A-240, to the recommended low bidder, Hartman Companies, Inc. at \$66,209.50.

Motion carried on rollcall vote – five ayes.

***AWARD OF BID – COMPRESSOR CONTROL PANEL REPLACEMENTS – BRAEMAR SOUTH ARENA** Motion made by Member Bennett and seconded by Member Swenson awarding the bid for compressor control panel replacements, Braemar South Arena, to the recommended low bidder, Cool Air Mechanical, Inc. at \$18,530.00.

Motion carried on rollcall vote – five ayes.

PUBLIC WORKS SITE PROCESS PRESENTED Mayor Hovland recognized the attendance of Planning Commission Chair Michael Fischer, Commissioner Michael Schroeder, and Vice Chair Kevin Staunton. He thanked them for their work on this project as well as their contribution to the Planning Commission.

Mr. Fischer presented the Planning Commission's community-based planning process that would identify properties and create a Small Area Plan to address areas within the City that were likely to change. He acknowledged the valuable contribution of the Planning Commission and Mr. Schroeder who had over 20 years of experience in community-based design. The program's goals were to create an inexpensive process, a concentrated timeframe, a true community-based process, and to use a team of experts from Edina.

Mr. Schroeder presented the focus of the Program to areas of the community identified as 'potential areas of change' in the Comprehensive Plan. He noted the authority to initiate resides with the Council and there were no statutory requirements for the composition of the Plan or process used to achieve the Plan. Mr. Schroeder referenced seven key points to frame a Small Area Plan and described how this short one-month study period would be approached and achieved through a twelve-step process. Mr. Schroeder described those who would be involved in the process including a Technical Advisory Group, Community Advisory Team, a Design Team, and the public would be directly involved. He displayed a schedule to accomplish the Small Area Plan, resulting in articulation of principles to guide further planning, development direction, patterns, and concepts.

Mr. Schroeder answered questions of the Council regarding the appropriate length of time for the planning process that assured adequate public notification and input yet maintained energy and found points of consensus. Mr. Schroeder commented on the high importance of fully advertising the event so all in Edina knew the process was occurring and to encourage their engagement.

Mr. Staunton addressed selection and composition of the Community Advisory Team and Core Team made up of six Commission and Board members who would select two business/property owners and six community representatives.

The Council requested that each quadrant of the City select its own Community Advisory Team membership to avoid a perception of pre-selection and assure success. The Council discussed the process, noting it would not change the land use designation nor create a nonconforming use. Rather, it would offer a suggestion for evolution. The Council also discussed the need for varied venues to advertise the kick-off meeting to assure a high level of resident participation. Mr. Staunton indicated he would work with staff to schedule the kick-off meeting in February of 2010 so that a small Area Plan could be announced in the upcoming issue of *About Town*.

Member Housh made a motion, seconded by Member Swenson, supporting the general Small Area Plan process and allow public testimony and written comment for two weeks.

Ayes: Bennett, Brindle, Housh, Swenson, Hovland

Motion carried.

ORDINANCE NO. 2009-12 ADOPTED – AMENDING SECTION 850 TO REQUIRE A CONDITIONAL USE PERMIT FOR ACCESSORY BUILDINGS OVER 1,000 SQUARE FEET

Mr. Hughes stated the changes requested by Council at its last meeting had been incorporated.

Member Swenson made a motion, seconded by Member Brindle, to waive Second Reading adopting Ordinance No. 2009-12, amending the City Code concerning regulation of accessory buildings in the R-1, single-dwelling unit district.

Rollcall:

Ayes: Bennett, Brindle, Housh, Swenson, Hovland

Motion carried.

RESOLUTION NO. 2009-98 ADOPTED – ACCEPTING VARIOUS DONATIONS

Mayor Hovland explained that in order to comply with State Statutes; all donations to the City must be adopted by Resolution and approved by four favorable votes of the Council accepting the donations. **Member Bennett introduced and moved adoption of Resolution No. 2009-98, accepting various donations.** Member Brindle seconded the motion.

Rollcall:

Ayes: Bennett, Brindle, Housh, Swenson, Hovland

Motion carried.

***RESOLUTION NO. 2009-99 ADOPTED – AUTHORIZING SPECIAL ASSESSMENT DEFERRALS** Motion made by Member Bennett and seconded by Member Swenson to adopt Resolution No. 2009-99, approving deferral of special assessments.

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Motion carried on rollcall vote – five ayes.

***RESOLUTION NO. 2009-103 ADOPTED – AMENDING PUBLIC HEALTH EMERGENCY RESPONSE GRANT AGREEMENT** Motion made by Member Bennett and seconded by Member Swenson to adopt Resolution No. 2009-103, authorizing the City of Edina to amend the public health emergency response grant agreement with the Minnesota Department of Health.

Motion carried on rollcall vote – five ayes.

***RESOLUTION NO. 2009-105 ADOPTED – IN SUPPORT OF A SAFE, CONVENIENT MEDICINE RETURN PROGRAM** Motion made by Member Bennett and seconded by Member Swenson to adopt Resolution No. 2009-105, in support of a safe, convenient medicine return program.

Motion carried on rollcall vote – five ayes.

RESOLUTION NO. 2009-104 ADOPTED – SUPPORT ACTION AT THE U.N. CONVENTION ON CLIMATE CHANGE The Council discussed whether it was within its purview to comment on the country's foreign policy. It was noted that the draft resolution was broadly worded and that the issue was one of those prompting establishment of the City's Energy and Environment Commission. **Member Bennett introduced and moved adopting of Resolution No. 2009-104, City of Edina, U.N. convention on climate change in Copenhagen.** Member Swenson seconded the motion.

Ayes: Bennett, Brindle, Swenson, Hovland

Nays: Housh

Motion carried.

***RESOLUTION NO. 2009-107 ADOPTED – RECEIVING FEASIBILITY STUDY FOR BA-367 WEST 70TH STREET ROADWAY IMPROVEMENTS & BA-360 PAMELA PARK NEIGHBORHOOD ROADWAY IMPROVEMENTS** Motion made by Member Bennett and seconded by Member Swenson to adopt Resolution No. 2009-107, receiving feasibility reports and calling hearing on improvements for Pamela Park neighborhood roadway, Improvement No. BA-360 and West 70th Street roadway, Improvement No. BA-367.

Motion carried on rollcall vote – five ayes.

***RESOLUTION NO. 2009-108 ADOPTED – SETTING HEARING JANUARY 5, 2010 PUBLIC HEARING FOR BA-359 BRAEMAR HILLS NEIGHBORHOOD ROADWAY IMPROVEMENTS, BA-361 INTERLACHEN CIRCLE NEIGHBORHOOD ROADWAY IMPROVEMENTS, BA-362 PARKWOOD KNOLLS NEIGHBORHOOD ROADWAY IMPROVEMENTS, BA-374 INTERLACHEN BLUFF NEIGHBORHOOD ROADWAY IMPROVEMENTS, BA-375 BROR ROAD NEIGHBORHOOD ROADWAY IMPROVEMENTS, BA-376 MOCCASIN VALLEY ROAD NEIGHBORHOOD ROADWAY IMPROVEMENTS** Motion made by Member Bennett and seconded by Member Swenson to adopt Resolution No. 2009-108, setting public hearing of January 5, 2010, neighborhood street reconstruction for: Braemar Hills, Imp. BA-359; Interlachen Circle Imp. No. BA-361; Parkwood Knolls, Imp. No. BA-362; Interlachen Bluff Imp. No. BA-374; Bror Road Neighborhood Imp. No. BA-375; and Moccasin Valley Road Imp. No. BA-376.

Motion carried on rollcall vote – five ayes.

COMMUNITY COMMENT

No one appeared to comment.

***CONFIRMATION OF CLAIMS PAID** Motion made by Member Bennett and seconded by Member Swenson approving payment of the following claims as shown in detail on the Check Register dated November 19, 2009, and consisting of 39 pages: General Fund \$97,306.35; CDBG Fund \$3,050.00; Communications Fund \$4,430.21; Police Special

Revenue \$309.00; Working Capital Fund \$212,228.66; Construction Fund \$439.78; Art Center Fund \$4,803.70; Golf Dome Fund \$2,362.15; Aquatic Center Fund \$151.80; Golf Course Fund \$9,508.67; Ice Arena Fund \$11,909.55; Edinborough/Centennial Lakes Fund \$7,496.06; Liquor Fund \$169,177.34; Utility Fund \$93,061.35; Storm Sewer Fund \$42,861.43; PSTF Agency Fund \$1,879.93; **TOTAL \$660,975.98** and for approval of payment of claims dated November 25, 2009, and consisting of 25 pages: General Fund \$290,026.97; CDBG Fund \$14,100.00; Communications Fund \$125.00; Police Special Revenue \$165.00; Working Capital Fund \$1,862,495.91; Art Center Fund \$3,006.93; Golf Dome Fund \$962.50; Aquatic Center Fund \$40.00; Golf Course Fund \$791.20; Ice Arena Fund \$2,120.97; Edinborough/Centennial Lakes Fund \$7,347.91; Liquor Fund \$264,096.47; Utility Fund \$66,242.40; Storm Sewer Fund \$16,180.75; Recycling Fund \$75.00; PSTF Agency Fund \$3,647.20; **TOTAL \$2,531,424.21.**

Motion carried on rollcall vote – five ayes.

RESOLUTION NO. 2009-100 ADOPTED – YEAR 2010 PARK AND RECREATION FEES AND CHARGES; RESOLUTION NO. 2009-101 ADOPTED – YEAR 2010 AMBULANCE FEES; RESOLUTION 2009-102 ADOPTED – YEAR 2010 MISCELLANEOUS FEES

Mr. Hughes and Mr. Keprios answered questions of the Council regarding how fees were established to reflect the City's actual cost of service. The Edina Community Foundation was thanked for making scholarships available in the amount of \$150 per family. The Council discussed the recommended fees and asked staff to inform the public that the bulk of park fees would not be increased. **Member Swenson introduced and moved adoption of Resolution No. 2009-100, setting 2010 Park and Recreation fees; Resolution No. 2009-101, setting ambulance fees for 2010; Resolution 2009-102, setting miscellaneous fees for 2010.** Member Bennett seconded the motion.

Rollcall:

Ayes: Bennett, Brindle, Housh, Swenson, Hovland
Motion carried.

ORDINANCE NO. 2009-13 GRANTED FIRST READING Mr. Hughes presented staff's recommendation to hold first reading and schedule a public hearing on the development fees. The second reading would be considered following the public hearing. **Member Brindle made a motion to grant First Reading of Ordinance No. 2009-13, amending Code Section 185, increasing certain fees and to set a public hearing on development fees for January 5, 2010. Member Swenson seconded the motion.**

Ayes: Bennett, Brindle, Housh, Swenson, Hovland
Motion carried.

WORK SESSIONS WITH ENERGY & ENVIRONMENT COMMISSION & BIKE EDINA TASK FORCE Following discussion, Council consensus was reached to schedule a work session with the Energy and Environment Commission and Bike Edina Task Force on February 2, 2010.

There being no further business on the Council Agenda, Mayor Hovland declared the meeting adjourned at 9:16 p.m.

Respectfully submitted,

Debra A. Mangen, City Clerk

Minutes approved by Edina City Council, December 15, 2009.

James B. Hovland, Mayor

Video Copy of the December 1, 2009, meeting available.